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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/721,525 | 11/25/2003 | David W. Boykin | 421/60/21/2 | 5332 |
| 25297 | 7590 | 03/16/2006 | EXAMINER | |
| JENKINS, WILSON & TAYLOR, P. A. 3100 TOWER BLVD SUITE 1200 DURHAM, NC 27707 | | | DAVIS, ZINNA NORTHINGTON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1625 | |

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Claims 1-11 are pending.
2. On February 9, 2006, Applicants have elected the compound of example 5, as the preferred species.
3. Based upon the search of the elected species, the species requirement is withdrawn. The claims have been examined as a whole.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by University of North Carolina at Chapel Hill, (WO 01/03685, Reference O).

The instantly claimed compounds are disclosed. At page 3, see the compound of formula (I).

6. Claims 1, 4, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by University of North Carolina at Chapel Hill (WO 00/04893, Reference N).

The instantly claimed compounds are disclosed. At page 26, Table 2, see the compound DB 75. At page 27, Table 2, see compounds DB 181, DB 244, DB 351, and DB 262.

7. Claims 1, 4, 5, 8, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stephens et al (cited by Applicants).

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The instantly claimed compounds are disclosed. At page 1743, Table 1, see the compounds.


8. Claims 2, 3, 6, 7, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The Information Disclosure Statements filed June 29, 2004, August 2, 2004, and February 7, 2005 have considered.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna Northington Davis whose telephone number is 571-272-0682.

11. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Zinna Northington Davis
Primary Examiner
Art Unit 1625